

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
2 Charles K. Verhoeven (Bar No. 170151)  
3 charlesverhoeven@quinnemanuel.com  
4 David A. Perlson (Bar No. 209502)  
5 davidperlson@quinnemanuel.com  
6 Melissa Baily (Bar No. 237649)  
7 melissabaily@quinnemanuel.com  
8 John Neukom (Bar No. 275887)  
9 johnneukom@quinnemanuel.com  
10 Jordan Jaffe (Bar No. 254886)  
11 jordanjaffe@quinnemanuel.com  
12 50 California Street, 22<sup>nd</sup> Floor  
13 San Francisco, California 94111-4788  
14 Telephone: (415) 875-6600  
15 Facsimile: (415) 875-6700

16 Attorneys for WAYMO LLC

17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.

23 UBER TECHNOLOGIES, INC.;  
24 OTTOMOTTO LLC; OTTO TRUCKING  
25 LLC,

26 Defendants.  
27  
28

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF ITS  
OPPOSITION TO DEFENDANTS'  
MOTION IN LIMINE TO EXCLUDE  
TESTIMONY OF DR. HESSELINK  
REGARDING PROTECTIONS OF  
WAYMO'S ALLEGED TRADE SECRETS  
AND EXHIBIT THERETO**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal portions of its Opposition to Defendants’ Motion in Limine to Exclude Testimony of Dr. Hesselink Regarding Protections of Waymo’s Alleged Trade Secrets (“Waymo’s Opposition”) and exhibit thereto. Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

<b>Document</b>	<b>Portions to Be Filed Under Seal</b>	<b>Designating Party</b>
Waymo’s Opposition	Highlighted Portions	Waymo (green highlighting)
Exhibit 1 to Newton Declaration	Highlighted Portions	Waymo (green highlighting)

#### I. **LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

#### II. **THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should seal the portions of Waymo’s Opposition and exhibit thereto identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses Waymo’s confidential business information. *See* Declaration of Felipe Corredor (“Corredor Decl.”) ¶ 3. Confidential business information that, if released, may “harm a litigant’s competitive standing” merits sealing. *See Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 598-99 (1978). Specifically, those portions contains regarding Waymo’s security measures and protocols (including staffing of Google’s security team), the scope of forensic investigations conducted (including the identity of non-public targets of those investigations), and detailed computer forensics regarding access to Waymo’s trade secrets. The public disclosure of this information would cause significant competitive harm to

1 Waymo, as its security measures and computer forensics methods would become known to  
2 competitors who could use such information to Waymo's disadvantage. Waymo has narrowly tailored  
3 its requests to only information meriting sealing. Thus, the Court should grant Waymo's  
4 administrative motion to seal.

5 **III. CONCLUSION**

6 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
7 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
8 Waymo respectfully requests that the Court grant Waymo's administrative motion to file under  
9 seal.

10

11 DATED: September 22, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
12 LLP

13

By /s/ Charles Verhoeven  
14 Charles Verhoeven  
Attorneys for WAYMO LLC

15

16

17

18

19

20

21

22

23

24

25

26

27

28